

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

38-15

7/1/15

MODERNIZATION OF POULTRY SLAUGHTER INSPECTION: VERIFICATION THAT AN ESTABLISHMENT OPERATING UNDER THE NEW POULTRY INSPECTION SYSTEM IS PRODUCING READY-TO-COOK POULTRY

I. PURPOSE

This notice instructs inspection program personnel (IPP) on how to verify that young chicken and turkey slaughter establishments operating under the New Poultry Inspection System (NPIS) are producing ready-to-cook (RTC) poultry. Those establishments operating under the NPIS are required to maintain records documenting that products resulting from their slaughter operations meet the definition of RTC poultry found in 9 CFR 381.1. This notice is only applicable to IPP assigned to young chicken and turkey slaughter establishments that operate under the NPIS.

II. BACKGROUND

A. On August 21, 2014 FSIS published a final rule to modernize poultry slaughter inspection (see *Modernization of Poultry Slaughter Inspection* 79 FR 49565) at <http://www.fsis.usda.gov/wps/wcm/connect/fb8c866a-a9b7-4b0d-81c9-0f190c4a8d4d/2011-0012F.htm?MOD=AJPERES>.

B. Establishments choosing to operate under the NPIS are required to maintain records documenting that the products resulting from their slaughter operations meet the definition of RTC poultry (9 CFR 381.76(b)(6) (ii)(D)). This requirement becomes effective when an establishment begins operating under the NPIS. (FSIS Notice 53-14 *Modernization of Poultry Slaughter Inspection*) Establishments that operate under the Streamlined Inspection System (SIS), New Line Speed Inspection System (NELs) or New Turkey Inspection System (NTIS) are required to continue to meet Finished Product Standards (FPS) regulations (9 CFR 381.76 (b)(3)(iv)).

C. Establishments operating under the NPIS may adopt any of the following criteria to determine whether they are producing RTC poultry:

1. Other Consumer Protection (OCP) standards developed for the Hazard Analysis of Critical Control Points-based Inspection Models Project (HIMP) pilot;
2. The parameters in the FPS regulations (9 CFR 381.76 (b)(3)(iv));
3. Alternative FPS procedures allowed under a SIP waiver; or

DISTRIBUTION: Electronic

NOTICE EXPIRES: 7/1/16

OPI: OPPD

4. Other OCP performance standards or defect criteria as defined in a published study or a scientifically or statistically- based study that the establishment conducted itself to document they are meeting the RTC definition.

III. IPP RESPONSIBILITIES

A. IPP are not to verify the new RTC requirements until the establishment starts to operate under NPIS.

B. IPP assigned to young chicken and turkey establishments are to continue to follow all instructions in FSIS Directive 7000.1 *Verification of Non-Food Safety Consumer Protection Regulatory Requirements* until the establishment begins operating under NPIS. At that time, IPP are to stop performing the Public Health Information System (PHIS) Poultry Finished Product Standards task as instructed in that directive and instead perform the new PHIS Poultry Ready-To-Cook task described in this notice.

C. IPP assigned to young chicken and turkey establishments that intend to operate under the NPIS and that have been granted a waiver of the FPS regulations (9 CFR 381.76) under the *Salmonella* Initiative Program (SIP) ([76 FR 41186](#), July 13, 2011) are to continue to follow instructions in FSIS Directive 5020.1 *Verification of Salmonella Initiative Program (SIP)* until the establishment begins operating under the NPIS. At that time, IPP are to follow instructions in this notice.

D. Routine PHIS Poultry RTC task: When the task is scheduled, IPP are to verify that the establishment maintains records, as required under 9 CFR 381.76(b)(6)(ii)(D), to document that the products resulting from their slaughter operations meet the definition of RTC poultry in 9 CFR 381.1. IPP are to review the establishment's records to verify that the records contain, at a minimum, the information enumerated below. If IPP find that the records do not include this information, or if the establishment does not have records, IPP are to write a noncompliance record (NR), following the instructions in section IV.

1. Data to support that the establishment is producing RTC poultry. For example, an establishment may use statistical process control charts, HACCP records, or other documentation;
2. The points in the operation where the establishment monitors carcasses or other parts of poultry to determine whether they meet the RTC definition and records results of these monitoring activities. For example, an establishment may monitor and record the results at a pre-chill and a post-chill station;
3. The frequency with which the establishment conducts monitoring activities. The records should specify the sample set size and how often the establishment monitors carcasses per line per shift. For example, an establishment may conduct and document its monitoring activities at least every two hours per line per shift at the pre-chill location and at least twice per shift per line at the post-chill location;
4. The definitions of the OCP non-conformances or processing and trim defects for which the establishment is monitoring. For example, the establishment may be monitoring carcasses for processing and trim non-conformances as specified in the FPS regulations; trim and processing defects used under its FPS SIP waiver; OCP defects established under the HIMP pilot; or another OCP standard defined in a published study or a scientifically or statistically-based study that the establishment conducted itself. If the establishment references a study, it should give a brief description of the study and have the supporting information on file;

5. The evaluation criteria that the establishment uses to determine whether the products resulting from its slaughter operation meet the RTC definition. For example, an establishment may follow the subgroup limits for non-conformances and defects in the FPS regulations, the limits established in its FPS SIP waiver, the trim and processing defect levels for the HIMP OCP performance standards, or other OCP evaluation criteria based on a published study or the establishment's scientifically or statistically-based study to determine the upper limits for non-conformances; and
6. The corrective actions that the establishment plans to take if the levels of defects and non-conformances exceed its evaluation criteria for RTC poultry.

E. Directed PHIS Poultry RTC task: IPP are not to perform a directed PHIS Poultry RTC task unless assigned by the Public Health Veterinarian (PHV) or Inspector-in-Charge (IIC) or designee.

1. If, during the performance of the PHIS Poultry Zero Tolerance Food Safety task, offline verification inspectors (VIs) observe persistent, unattended trim or processing OCP defects that cause him or her to suspect that the establishment is not effectively sorting carcasses to meet the RTC definition, he or she is to notify the establishment and the PHV or IIC. (See [FSIS Notice 37-15](#) *Modernization of Poultry Slaughter Inspection: Post-mortem Inspection for New Poutry Inspection System*.)
2. If, during the performance of the online carcass inspection, online carcass inspectors (CIs) observe persistent, unattended OCP defects, he or she is to notify the PHV or IIC.

NOTE: Examples of non-food safety trimming and processing defects include: sores, breast blisters, bruises, trimmable tumors, trimmable synovitis or air sacculitis, compound fractures, scabs, abscesses, dermatitis, salpingitis, nephritis, kidney removal where applicable, oil glands, lungs, intestines, cloaca, bursa of Fabricius, esophagus, crop, trachea, and feathers. Trim and processing defects that are persistent include observing numerous carcasses, either in a row or in clusters, that have obvious severe or numerous problems that could affect the usability of the product. Examples of obvious or severe problems include observing obvious sores and scabs on the skin indicating deep tissue sores with or without inflammatory process (IP) involvement. A defect is persistent if, for example, IPP find multiple broken crops, especially if there is feed (ingesta) present that would indicate loss of process control related to proper withdrawal of feed. Defects are unattended if the establishment fails to effectively address the problem even though it has had an opportunity to do so.

3. If the CI or VI informs the PHV or IIC that persistent unattended non-food safety trim and processing defects are interfering with carcass inspection, or that the establishment's sorting process is not in control to meet the RTC definition, the PHV or IIC is to evaluate the situation to determine whether FSIS should take enforcement action as described in section IV. of this notice. The evaluation is to involve:
 - a. Observing carcasses at the online CI inspection station to determine whether the establishment's process is in control, or whether the presentation of the carcasses is affecting the CI's ability to inspect carcass-by-carcass (see [FSIS Notice 37-15](#)); or
 - b. Conducting or assigning a directed PHIS Poultry RTC task.
 - i. When performing the directed Poultry RTC task, IPP are to verify that the establishment's records contain, at a minimum, information specified in section III.D. of this notice and to examine and verify that products

resulting from the establishment's slaughter operations are meeting the establishment's evaluation criteria as described in section III. D. 5. of this notice.

- ii. If IPP find a food safety defect while performing a Poultry RTC task, IPP are to perform an appropriate PHIS food safety task and take any necessary enforcement action.

IV. ENFORCEMENT

A. IPP are to write a NR if the establishment does not have records to document that the products resulting from its slaughter operation meet the definition for RTC poultry, or if the records that the establishment has do not include the minimum information required in 9 CFR 381.76(b)(6)(ii)(D) and 9 CFR 381.1. IPP are to issue the NR using the PHIS Poultry RTC task and citing those regulations. The NR is to state that the establishment is unable to document that the products resulting from its slaughter operations meet the RTC definition.

B. IPP are to also issue an NR using the PHIS Poultry RTC task and citing 9 CFR 381.76(b)(6)(ii)(D) and 9 CFR 381.1 if they examine product as directed and find that:

1. The results exceed the criteria that the establishment uses to determine that the products resulting from its slaughter operation meet the RTC definition as described in Section III.D. 5. of this notice; or
2. The establishment did not take necessary corrective actions when the evaluation criteria are exceeded, as described in Section III. D. 6. of this notice.

C. If the PHV or IIC determines that the presentation of persistent unattended trim or processing defects indicates a loss of process control, and in turn affects the CI's ability to adequately conduct a carcass-by-carcass inspection, the PHV or IIC has the authority to direct the establishment to reduce the line speed (9 CFR 381.69 (c)). If the PHV or IIC directs the establishment to reduce the line speed, then he or she is to issue an NR using the PHIS Poultry RTC task and citing 9 CFR 381.69 (c) and 9 CFR 381.1.

D. IPP are to associate (link) the NRs that are issued for the failure to meet the RTC definition and associated documentation requirements. IPP are to notify the District Office (DO) through supervisory channels when establishment management is unwilling or unable to take necessary steps to re-establish control of its process necessary to meet RTC regulatory requirements.

E. The DO is to notify the establishment in writing that repeated non-compliances may lead to a regulatory control action (9 CFR 500.1-.2) that would affect the entire production of the product in question because product is economically adulterated or misbranded or was produced under conditions that preclude FSIS from determining that product is not adulterated or misbranded.

V. QUESTIONS

Refer questions regarding this notice to the Policy Development Staff through [askFSIS](#) or by telephone at 1-800-233-3935. When submitting a question, use the Submit a Question tab, and enter the following information in the fields provided:

Subject Field:	Enter Notice 38-15
Question Field:	Enter question with as much detail as possible.
Product Field:	Select General Inspection Policy from the drop-down menu.
Category Field:	Select Slaughter-Poultry from the drop-down menu.
Policy Arena:	Select Domestic (U.S.) Only from the drop-down menu.

When all fields are complete, press **Continue** and at the next screen press **Finish Submitting Question**.

NOTE: Refer to [FSIS Directive 5620.1](#), *Using askFSIS*, for additional information on submitting questions.

A handwritten signature in black ink, appearing to read "David J. Seibert". The signature is fluid and cursive, with a large initial "D" and "S".

Assistant Administrator
Office of Policy and Program Development